

Sec. 302.005. BIDDING PROCEDURES; AWARD OF CONTRACT. ~~[(a)] A contract under this chapter may be let in accordance with the [under competitive proposal] procedures established for professional services by Section 2254.004, Government Code. Notice of the request for qualifications [proposals] shall be published in the manner provided for competitive bidding. [Requests for proposals must solicit quotations and must specify the relative importance of guaranteed savings, price, return on investment, financial performance and stability, quality, technical ability, experience, and other evaluation factors.~~

~~[(b) The contract shall be awarded to the responsible offeror whose proposal, following negotiations, is determined to be the most advantageous to the local government considering the guaranteed savings and other evaluation factors set forth in the request for proposals.~~

~~[(c) To obtain the best final offers, the local government may allow proposal revisions after submissions and before the award of the contract.]~~

SECTION 8. This Act takes effect September 1, 2001, and applies only to a contract entered into by an educational institution, state agency, or local government on or after that date. A contract entered into by an educational institution, state agency, or local government before the effective date of this Act is covered by the law in effect on the date the contract was entered into, and the former law is continued in effect for that purpose.

Passed by the House on April 27, 2001, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2277 on May 25, 2001, by a non-record vote; passed by the Senate, with amendments, on May 17, 2001: Yeas 30, Nays 0, 1 present, not voting.

Approved June 16, 2001.

Effective September 1, 2001.

CHAPTER 1320

H.B. No. 2323

AN ACT

relating to repayment assistance for certain law school loans.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 61, Education Code, is amended by adding Subchapter X to read as follows:

SUBCHAPTER X. REPAYMENT OF CERTAIN LAW SCHOOL EDUCATION LOANS: ATTORNEY OF NONPROFIT ORGANIZATION SERVING INDIGENT PERSONS

Sec. 61.951. REPAYMENT ASSISTANCE AUTHORIZED. (a) The board shall provide, in accordance with this subchapter and board rules, assistance in the repayment of law school education loans for attorneys who apply and qualify for the assistance.

(b) The provision of financial assistance in the repayment of education loans under this subchapter promotes a public purpose.

Sec. 61.952. ELIGIBILITY. To be eligible to receive repayment assistance, an attorney must:

- (1) apply to the board;*
- (2) be a full-time employee of the eligible organization; and*
- (3) be currently practicing in this state as an attorney employed by an organization that:*

(A) qualifies for an exemption from federal income taxes under Section 501(c)(3), Internal Revenue Code of 1986, as amended, that is prohibited from providing representation in a class-action lawsuit; and

(B) receives funds for providing legal services to indigent individuals from:

(i) the Interest on Lawyers' Trust Accounts program administered by the Texas Equal Access to Justice Foundation; or

(ii) the basic civil legal services account under Section 51.943, Government Code.

Sec. 61.953. LIMITATIONS. (a) An attorney may receive repayment assistance grants for each of not more than 10 years.

(b) The amount of loan repayment assistance received by an attorney under this subchapter may not exceed 50 percent of the total amount of the attorney's outstanding law school loans, including scheduled interest payments that would become due if the loan is not prepaid, when the attorney enters into the agreement.

Sec. 61.954. ELIGIBLE LOANS. (a) The board may provide repayment assistance for the repayment of any education loan received by the attorney through any lender for education at a school of law authorized by the board to award a degree that satisfies the law study requirements for licensure as an attorney in this state.

(b) The board may not provide repayment assistance for an education loan that is in default at the time of the attorney's application.

Sec. 61.955. REPAYMENT. (a) The board shall deliver any repayment assistance made under this subchapter in a lump sum payable to the lender and the attorney and in accordance with any applicable federal law.

(b) Loan repayment assistance received under this subchapter may be applied to the principal amount of the loan and to interest that accrues.

(c) Any repayment assistance shall be reasonably related to the amount of time an attorney is employed by the eligible organization.

Sec. 61.956. ADVISORY COMMITTEE. The board may appoint an advisory committee to assist the board in performing the board's duties under this subchapter.

Sec. 61.957. ACCEPTANCE OF GIFTS. The board may solicit and accept gifts, grants, and donations for the purposes of this subchapter.

Sec. 61.958. RULES. (a) The board shall adopt rules necessary for the administration of this subchapter, including a rule that sets a maximum amount of repayment assistance that an attorney may receive in one year.

(b) The board shall distribute a copy of the rules adopted under this section and pertinent information in this subchapter to:

(1) each school of law authorized by the board to award a degree described by Section 61.954(a);

(2) any appropriate state agency; and

(3) any appropriate professional association.

SECTION 2. Chapter 61, Education Code, is amended by adding Subchapter Y to read as follows:

SUBCHAPTER Y. REPAYMENT OF CERTAIN LAW SCHOOL EDUCATION
LOANS: ASSISTANT DISTRICT OR COUNTY ATTORNEY

Sec. 61.9601. DEFINITION. In this subchapter, "rural county" means a county with a population of 50,000 or less.

Sec. 61.9602. REPAYMENT ASSISTANCE AUTHORIZED. (a) The board shall provide, using funds appropriated for that purpose and in accordance with this subchapter and board

rules, assistance in the repayment of law school education loans for attorneys who apply and qualify for the assistance.

(b) The provision of financial assistance in the repayment of education loans under this subchapter promotes a public purpose.

Sec. 61.9603. *ELIGIBILITY.* To be eligible to receive repayment assistance, an attorney must:

- (1) apply to the board;
- (2) be currently employed as an attorney by a district or county attorney's office that serves a rural county; and
- (3) enter into an agreement to remain employed by the district or county attorney's office as provided by Section 61.9605.

Sec. 61.9604. *ELIGIBLE LOANS.* (a) The board may provide repayment assistance for the repayment of any education loan received by the attorney through any lender for education at a school of law authorized by the board to award a degree that satisfies the law study requirements for licensure as an attorney in this state.

(b) The board may not provide repayment assistance for an education loan that is in default at the time of the attorney's application.

Sec. 61.9605. *AGREEMENT.* (a) To qualify for loan repayment assistance under this subchapter, a person must enter into a written agreement with the board as provided by this section. The agreement must specify the conditions the person must satisfy to receive repayment assistance.

(b) The agreement must require the person to be employed for a period of five years with a district or county attorney's office that serves a rural county. Only employment with that district or county attorney's office as an attorney after the date the person enters into the agreement may be used to satisfy the employment requirement under the agreement.

(c) The agreement must provide that the repayment assistance the person receives before the person has been employed for five years as required by the agreement constitutes a loan until the person completes the five years of employment and satisfies any other applicable conditions of the agreement. The agreement must require the person to sign a promissory note acknowledging the conditional nature of the repayment assistance received and promising to repay the amount of that assistance received plus applicable interest and reasonable collection costs if the person does not satisfy the applicable conditions. The board shall determine the terms of the promissory note. To the extent practicable, the terms must be the same as those applicable to state or federally guaranteed student loans made at the same time. All amounts collected in repayment of a loan under this subsection, including interest, but excluding collection costs paid by the board to another person to collect or assist in collecting the amount, shall be deposited to the credit of the trust fund established by Section 61.9608.

Sec. 61.9606. *REPAYMENT.* (a) Except as provided by Section 61.9609(a), the board shall provide repayment assistance under this subchapter in the following amounts:

- (1) 60 percent of each payment due on an attorney's eligible loans during the first 12-month period after the attorney enters into the agreement under Section 61.9605;
- (2) 80 percent of each payment due on an attorney's eligible loans during the second 12-month period after the attorney enters into the agreement; and
- (3) 100 percent of each payment due on an attorney's eligible loans during the third 12-month period after the attorney enters into the agreement.

(b) The board shall deliver any repayment assistance made under this subchapter in a lump sum payable to the lender and the attorney and in accordance with any applicable federal law.

(c) Loan repayment assistance received under this subchapter may be applied to the principal amount of the loan and to interest that accrues.

Sec. 61.9607. ADVISORY COMMITTEE. The board may appoint an advisory committee from outside the board's membership to assist the board in performing the board's duties under this subchapter.

Sec. 61.9608. FUNDING. (a) The loan repayment assistance program established by this subchapter is funded from the rural district and county attorney student loan assistance trust fund. The trust fund is established outside the treasury and is administered by the comptroller. Money in the trust fund may be spent without appropriation and only to fund the program. Interest and income from the assets of the trust fund shall be credited to and deposited in the trust fund.

(b) The board may solicit and accept gifts, grants, and donations from any public or private source for the purposes of this subchapter and shall deposit money accepted under this subsection to the credit of the trust fund.

(c) The legislature may appropriate money to the trust fund.

Sec. 61.9609. RULES. (a) The board shall adopt rules necessary for the administration of this subchapter, including a rule that sets the maximum amount of loan repayment assistance that an attorney may receive in one year.

(b) The board shall distribute a copy of the rules adopted under this section and pertinent information in this subchapter to:

(1) each school of law authorized by the board to award a degree described by Section 61.9604(a); and

(2) any appropriate district or county attorneys.

SECTION 3. The Texas Higher Education Coordinating Board shall adopt the rules for the repayment assistance program under Subchapter X, Chapter 61, Education Code, as added by this Act, not later than December 1, 2001.

SECTION 4. This Act takes effect September 1, 2001.

Passed by the House on May 8, 2001, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2323 on May 25, 2001, by a non-record vote; and that the House adopted H.C.R. No. 323 authorizing certain corrections in H.B. No. 2323 on May 28, 2001, by a non-record vote; passed by the Senate, with amendments, on May 22, 2001, by a viva-voce vote; and that the Senate adopted H.C.R. No. 323 authorizing certain corrections in H.B. No. 2323 on May 28, 2001, by a viva-voce vote.

Approved June 16, 2001.

Effective September 1, 2001.

CHAPTER 1321

H.B. No. 2362

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Lone Star Groundwater Conservation District.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. CREATION. (a) A groundwater conservation district to be known as the Lone Star Groundwater Conservation District is created in Montgomery County, subject to approval at a confirmation election under Section 10 of this Act. The district is a governmental agency and a body politic and corporate.